REMARKS

The examiner objected to claim 1 due to an informality.

Claim 1 has been amended to make it clear that the rebar is not part of the claim.

The examiner rejected claims 1-3 as being anticipated by Sorkin.

Claim 1 was amended to show that the U shaped portion is semicircular to engage the circular cross section of a rebar. The semicircular shape is sized for the rebar so that a rebar of the desired size is locked in the rebar spacer.

The applicant has amended claim 1 to make it clear that each arm has a flat end surface approximately perpendicular to the surface of a cradled rebar, that the arms extend to just above an inserted rebar as the arms extend to the diameter of a circle defined by the semicircular cradle and that both ends are approximately perpendicular to the rebar simultaneously thus locking the rebar in place after insertion. The flat ends of the arms engage the rebar as if they were on the circumference of a circle defined by the semicircular cradle.

The prior art does not have this feature. The arms in Sorkin are on either side of the rebar and allow for the rebar to be removed from the cradle. When the rebar is lifted up the arms of Sorkin will spread apart and the rebar can be removed.

There is no diameter of a rebar that will allow both ends of the arms in Sorkin to be approximately perpendicular to the rebar surface. In Sorkin both arm ends are on angles pointing away from the center of the cradle such that not even one, much less both can be perpendicular to a rebar. Therefore both ends of the arms can not be

simultaneously perpendicular to the rebar as in claim 1. Thus Sorkin does not anticipate claim 1.

Since claim is allowable dependent claims 2 and 3 are allowable.

Further since claim 1 is a generic claim on which all claims are dependent all claims are believed to be allowable. Therefore the withdrawn claims should be allowed.

When claim 8 is reinstated it should be amended to replace the word "receiving" with the word "cradled".

All claims are now believed to be in a condition for allowance.